IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 2746 OF 1984

National Textile Corporation
Ltd., New Delhi & Anr. .. Plaintiffs

vs.

M/s. Ridhi Sidhi
Corporation. .. Defendants.

Mr. Vatsal Shah i/by M/s. Pandya &
Poonawala for the plaintiffs.
None for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 8th June, 2005.

P.C.

. The present suit is filed by the National Textile Corporation Ltd., for recovery of a sum of Rs. 1,29,766/- with interest at the rate of 21% on the sum of Rs. 93,276.60. Few facts of the present case are as under.

2. The National Textile Corporation has under an ordinance being known as Textile Undertakings (Taking over of Management) Ordinance, 1983 which has been subsequently enacted into an Act namely The

Textile Undertakings (Taking over of Management) Act, 1983 has taken over the assets of the mill known as Kohinoor Mills. It is the case of the plaintiffs that the said Kohinoor Mills prior to taking over has supplied goods and materials to the defendants. The said delivery was given by the erstwhile plaintiffs to the defendants but the defendants have not made payment of the price in respect of the said goods sold and delivered by the erstwhile plaintiff - Kohinoor Mills to the defendants. Accordingly, the plaintiffs by their Advocate's letter dated 14.12.1983 called upon the defendants to make payment of the aforesaid amount of Rs. 93,276.60 with interest at the rate of 21%. There was no reply to the said notice. In view of the non-payment of the aforesaid amount by the defendants, the plaintiffs have filed the present suit after taking over of the said Mills and the plaintiffs are entitled to maintain the present suit for recovery of the aforesaid amount.

3. Inspite of the fact that the suit is filed in the year 1984, no written statement has been filed. The matter was on board on 7.6.2005 when I directed the learned Advocate appearing for the plaintiff to issue notice to the Advocate for the defendants since he had filed Vakalatnama in the matter. The learned Advocate has accepted the said letter but has endorsed that he is no more appearing

for the defendants. Inspite of the said notice neither the defendants are appearing nor their advocate. In view thereof, the present suit is made absolute under Order 8 rule 10 in terms of prayer clause (a). However, there shall be no order as to costs.